

REMARKS

Claims 1, 3 and 20-22 are pending. Applicants thank the Examiner for the Personal Interview of April 10, 2003. Claims 2 and 4-19 have been cancelled without prejudice or disclaimer, claims 4-19 being directed to non-elected subject matter. However, Applicants expressly reserve the right to file one or more divisional applications containing claims reciting the subject matter of any of the cancelled claims. New claims 21 and 22 are supported by the Examples in the present specification, for example page 3, lines 7-8 and the ingredient list on pages 4 and 6.

Claim 1 has been amended to clarify the subject matter of the present invention, as discussed at the Personal Interview. Specifically, present claim 1 recites two elements: (1) the acidified pasta or rice having a pH between about 3.7-4.5, and (2) a sauce, containing a pH adjuster (i.e., the edible alkaline or base substance), having a pH from about 5.9-7.2. In so doing, the subject matter of claim 2 has been incorporated into claim 1, and claim 2 has thus been cancelled.

Claims 1-3 and 20 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Lee et al. (U.S. Patent No. 5,562,938). The Office Action asserts the features recited by the rejected claims are taught by the cited reference.

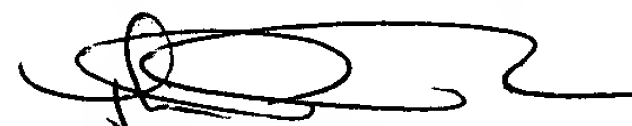
However, as discussed at the Personal Interview, Lee et al. does not teach each feature of the present claims. For example, the sauce of the present claims has an adjusted pH between about 5.9 and 7.2. While Lee et al. may teach generally to incorporate a neutralizing agent into various sauces, there is no teaching to change the pH of the sauce to between 5.9 and 7.2. Thus, withdrawal of the rejection under § 102 is respectfully requested.

Furthermore, it is respectfully presented that Lee et al. does not suggest to modify the sauces disclosed to achieve a pH within the presently recited range. It is noted that Lee et al. teaches to provide enough neutralizing agent to neutralize at least 40% by weight of the acid to achieve a final pH of the fully cooked foodstuff of between 5 and 7 (column 6, lines 18-23). Thus, Lee et al. is concerned with the amount of neutralizing agent, irrespective of the pH thereof. For example, if the neutralizing agent were admixed into the “other components” (column 6, lines 40-52), this reference teaches simply to provide enough of the admixture such that the final composition has a pH between 5 and 7. This reference makes no reference to the particular pH of the admixture. For example, the “starchy foodstuff” of Lee et al. has a pH preferably in the range of 4.2 to 4.5. As a result, in order to achieve a final pH in the range of 5 to 7, a particular amount of neutralizing agent must be utilized. If a small volume were selected as admixture to be added to a given amount of pH adjusted pasta, to which the neutralizing agent is added, the resulting pH of the admixture would necessarily be very high, i.e., not between 5.9 and 7.2 (as presently recited). If a large volume were selected as admixture to be added to a given amount of pH adjusted pasta, to which the neutralizing agent is added, the resulting pH of the admixture would necessarily be very low, again not between 5.9 and 7.2. Thus, there is no teaching nor suggestion to utilize a particular amount of “admixture” with the neutralizing agent, such that the admixture has a pH within the recited range.

Claims 3 and 20 have also been amended. Specifically, the sauces recited by amended claims and 20 are neither taught nor suggested by the cited reference. Specifically, Applicants note that column 6, lines 40-45 disclose, *inter alia*, cheese, egg and cream as sauces, but omit all other types of sauces. Thus, claims 3 and 20 have been amended to exclude any overlapping subject matter.

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.. If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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